



City of Seattle

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Gregory J. Nickels, Mayor  
Department of Planning & Development  
D.M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2408094  
**Applicant Name :** Johnson Architects for GTS Development  
**Address of Proposal:** 1412 12<sup>th</sup> Avenue

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish use for the future construction of a six-story 100 unit apartment building with 7,566 square feet of retail commercial use at ground level. Project includes demolition of an existing two-story building. Project also includes renovation and a two story penthouse addition to an existing four story building for a total of 44 residential units with 9,270 square feet of retail commercial use at the ground level. Parking for 196 vehicles provided on two levels in a below-grade garage beneath both the existing and proposed buildings.

The following Master Use Permit components are required:

**Design Review - Seattle Municipal Code (SMC) Section 23.41 with Development  
Standard Departures:**

1. Lot Coverage – To increase residential lot coverage (SMC 23.47.008.D)
2. Open Space – To reduce the open space requirement (SMC 23.47.024)
3. Sight Triangles – To eliminate sight triangle requirement (SMC 23.54.030.G)
4. Parking Dimensions – To allow limited encroachments into the required parking (SMC 23.54.030.A)

**SEPA Environmental Review - Seattle Municipal Code (SMC) Section 25.05**

**SEPA DETERMINATION:**      ☐ Exempt   ☐ DNS   ☐ MDNS   ☐ EIS

☒ DNS with conditions\*

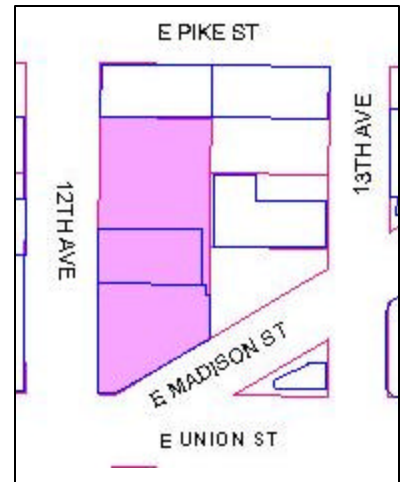
☐ DNS involving non-exempt grading, or demolition, or  
involving another agency with jurisdiction.

\* Notice of early DNS was published on March 31, 2005.

## **BACKGROUND DATA**

### **Site Description**

The subject site, zoned Neighborhood Commercial 3 with a 65 foot height limit (NC3- 65'), is located on the northeast corner of the intersection of E Madison St, 12<sup>th</sup> Avenue and East Union Street. The site is approximately 300 feet long along 12<sup>th</sup> Avenue and approximately 120 feet deep, for a total site area of 33,245 square feet. The existing Trace Building (to remain) is situated at the corner and is built to the property lines along both the Madison Street and 12<sup>th</sup> Avenue street-fronts. Abutting the Trace Building to the north is a two story masonry building with a surface parking lot beyond. The surface parking lot dips downward towards the center of the site, creating a dramatic slope down from the outer edges. There is no alley access to the site.



### **Vicinity**

The subject site is located in the Capitol Hill neighborhood on the north side of Madison Street. The site is zoned Neighborhood Commercial 3 (NC3-65') with a 65-foot height maximum. The NC3-65 zone continues for one block in all directions from the subject site. The site is located within the Capitol Hill Urban Village and is located just outside of the Pike/Pine Urban Village Overlay and a Station Area Overlay. The uses and development surrounding the site include a variety of commercial uses in structures ranging between one and four stories.

### **Proposal**

Master Use Permit to establish use for the future construction of a six-story 100 unit apartment building with 7,566 square feet of retail commercial use at ground level. Project includes demolition of an existing two-story building and the elimination of a surface parking lot. Project also includes renovation and a two story penthouse addition to an existing four story building for a total of 44 residential units with 9,270 square feet of retail commercial use at the ground level. Parking for 196 vehicles is to be provided on two levels in a below-grade garage beneath both the existing and proposed buildings. Access to the site is from 12<sup>th</sup> Avenue.

### **Public Comments**

The Early Design Guidance Meeting was held on February 2, 2005 and approximately 20 members of the public attended the Early Design Guidance meeting. They offered the following comments:

- Developing this site presents an excellent opportunity to spark positive future development in the immediate vicinity catering to pedestrian friendly commercial spaces;
- Expressed great confidence in the architect given past projects completed by the firm;
- Integration of the new structure into the existing context is important and should reflect the lines and proportions of the buildings on either end of the block;

- Supportive of bringing additional residential uses into this part of Capitol Hill, especially since the area of the proposed site is located in this odd gap between Seattle University and the Capitol Hill Arts Center;
- Suggested that a solid façade line along 12<sup>th</sup> Avenue may be more appropriate given the historic architectural context of the neighborhood and that perhaps balconies could be added to such a façade;
- Supportive of the preservation of the Trace Building;
- Hope that the design of the new building is based on contemporary genres, particularly as the site is located in Capitol Hill, a neighborhood known for its avant-garde residents and character embracing progress;
- Development of a curb bulb at 12<sup>th</sup> and Madison and other sidewalk amenities is highly desired by the neighborhood;
- Supportive of the proposed lot coverage departure and pointed out the close proximity to the Light Rail Station Overlay zone that allows for 100% coverage above the ground floor; and
- Interested in creating commercial spaces that attract independent, local boutique-type tenants rather than chain retailers.

The Final Design Meeting was held on May 18, 2005 and approximately eight members of the public were present at the meeting. Public comment and clarifying questions focused on the following issues:

- Interested in locating the commercial entrance of the Trace building on the chamfered corner rather than further away down 12<sup>th</sup> Avenue. [*The noise levels from the traffic at this corner were considered significantly higher than the location shown on the renderings; therefore the entrance was shifter further to the north.*]
- Clarification as to what “park-able” means in terms of the protrusions into the required spaces and driveways within the garage.
- Suggesting that the safety features replacing the sight triangle be less intrusive than those found downtown.
- Suggesting that the developer contribute to neighborhood open spaces given the requested departure from open space.
- Clarification that two additional stories will be added to the Trace Building. Concern as to how the proposed design of the new construction reflects the older character.
- Support all of the proposed departures and proposed development given that the design includes quality open spaces, responds to the street and considerable effort has been taken to develop a thoughtful and interesting building.
- Noting that across the street, the zone overlay allows for 100% lot coverage, so a departure from lot coverage seems reasonable.

The SEPA comment period for this proposal ended on April 13, 2005. Three comment letters were received focusing on the following issues:

- Parking for clientele of nearby business during construction period; and
- Request to be listed as a Party of Record.

## **ANALYSIS - DESIGN REVIEW**

### **Design Guidance**

At the Early Design Guidance meeting, the architect described the site context and proposed program for a mixed use building to be located on the site. Three schemes were presented – all of which included the Trace Building and penthouse addition above. The first scheme proposed a commercial building utilizing 100% lot coverage. The second alternative proposed a mixed use structure satisfying the development standards. The third and preferred scheme proposed a U-shaped structure with the courtyard space facing onto 12<sup>th</sup> Avenue. A narrow gap is shown between the new building and the existing Trace Building. According to the applicant, preliminary consultations with the Department of Neighborhoods indicate that the Trace Building will be deemed non-significant from the landmarks perspective.

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance and identified by letter and number those siting and design guidelines found in the City of Seattle's *Design Review: Guidelines for Multifamily and Commercial Buildings* of highest priority to this project.

The Design Review Board reviewed the final project design on May 18, 2005, at which time site, landscaping and floor plans, as well as elevation sketches and renderings, were presented for the members' consideration. At the Final Recommendation meeting, a more refined proposal was presented including driveway access at the seam between the two buildings, a residential courtyard integrated into the new building, as well as open spaces at the second level and at the roof level. The commercial base defines the predominant character of the ground level with retail frontage on 12<sup>th</sup> Avenue in both the new building and the Trace building. The residential portion of the new building, as well as the addition to the Trace building is designed with a modern industrial aesthetic including large slider windows with metal railings and metal siding. Overall, the Board was quite pleased with the comprehensive presentation, illustrative renderings and architectural design that respond appropriately to the neighborhood context. The guidance by the Board appears after the bold guidelines text and the recommendations from the final meeting follow in italicized text.

### **A. SITE PLANNING**

#### **A-2 Streetscape Compatibility. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.**

The Board was supportive of the proposed extensive sidewalk improvements including the curb bulb at the corner, street trees with decorative grates and overhead weather protection (not shown).

*At the Final Recommendation meeting, the Board was pleased with the strong, continuous retail frontage character along 12<sup>th</sup> Avenue. The design includes street trees, overhead weather protection, large storefront windows, scored concrete (using a smaller grid) at the entry and driveway locations and exterior light fixtures.*

**A-3 Entrances Visible from the Street. Entries should be clearly identifiable and visible from the street.**

The Board feels that the residential entrance should be clearly demarcated, separate from the commercial entry. The Board suggested that a broad, bold gesture should be integrated into the residential entry design.

*At the Final Recommendation meeting, the Board agreed that the residential entry to the Trace Building is clearly identifiable by the awning near the driveway and the residential entry to the new building is made evident by the notched out courtyard. The Board is very supportive of the residential courtyard as a bold gesture that is clearly distinguishable from the rest of the development.*

**A-4 Human Activity. New development should be sited and designed to encourage human activity along the street.**

The Board agreed that this development has the opportunity to extend the active pedestrian life of this neighborhood to Madison Street. It seems that the high pedestrian movement through this neighborhood decreases in the immediate vicinity containing the subject site. The design and building program should encourage pedestrian activity to flow down 12<sup>th</sup> Avenue to Madison and beyond. Transparent windows, overhead weather protection and commercial uses that have the potential to straddle the public and private realms are examples of attractive features that should be included for a successful pedestrian environment.

*At the Final Recommendation meeting, the Board strongly supported the developer's intent to activate 12<sup>th</sup> Avenue. The proposed commercial spaces in the new building are designed with large storefront windows, overhead awnings, and a flexibility to allow the future tenants to customize the retail to the their particular business, allowing spillage into the right-of-way with seating, signage, operable windows and entryways.*

**A-5 Respect for Adjacent Sites. Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.**

The Board noted that the windows of a portion of the residential units in Scheme #3 will be facing several of the residential units of the existing building. Care should be taken to preserve the privacy of these residential units. The Board strongly agreed that the design of the new building should take cues from the Trace Building, such as carrying through horizontal elements, a strong base and cornice line, large fenestration and solid materials.

*At the Final Recommendation meeting, the Board was satisfied that the facing windows described above are staggered in such a fashion as to protect the privacy of the affected units.*

**A-7 Residential Open Space. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.**

The Board looks forward to reviewing a high-quality, well programmed and well landscaped rooftop level open space design. The Board noted that the rooftop open space of the Trace Building should seek to respect the cornice lines of the existing building.

*At the Final Recommendation meeting, the Board was satisfied with the quality and configuration of open spaces throughout the site. In addition to the proposed residential courtyard of the new building, the second level includes several terrace spaces – both private and communal – and a common roof top deck. The Trace building also proposes a rooftop deck. All of terrace areas and rooftop decks include landscaping and seating for the residents.*

**A-8 Parking and Vehicle Access. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety.**

Depending on the size of commercial tenant(s) secured for the ground level spaces, the driveway should be situated at the northwest corner of the site or at the mid-block location (as shown). See also, C-5.

*At the Final Recommendation meeting, the driveway was presented at the mid-block location. In an effort to reduce the impacts of the driveway on the pedestrian environment, the sight triangle has been eliminated, to be replaced with both visual and aural warning devices to alert traffic and pedestrians alike.*

**A-10 Corner Lots. Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.**

The Board articulated the high visibility of this “beacon” corner from Madison St, 12<sup>th</sup> Avenue and East Union Street. Given the diagonal angle of Madison St and the topography, there are numerous views of this site from several vantage points. The Trace Building marks this corner with original architecture of its era. Therefore, the Board would like the architect to continue exploration of design details, such as a vertical sign element, that will highlight the unusual corner location, respect the history of the Trace Building and mark an entrance into the Pike/Pine district. These studies should be shown at the next meeting.

*At the Final Recommendation meeting, the Board was pleased with the treatment of the chamfered corner of the Trace Building. This corner has been highlighted by punching out window openings and vertical blade signed extending approximately the height of the building mid section.*

**B. HEIGHT BULK & SCALE**

**B-1 Height, Bulk, and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to nearby, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between the anticipated development potential on the adjacent zones.**

The Board supported a design that maximizes the potential development allowed by the underlying zone. The Board agreed that the building mass should be broken into two principal elements (two, 80 foot wide modules meeting the sidewalk) will provide visual relief to the length of the new structure.

*At the Final Recommendation meeting, the Board agreed that the proposed design follows the parameters described at the EDG meeting.*

## **C. ARCHITECTURAL ELEMENTS**

### **C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural pattern and siting pattern of neighboring buildings.**

The Board agreed that the historic, industrial character and aesthetic found in the surrounding built context should be reflected in the design of the new structure and penthouse addition to the existing building. The design of the new structure, however, should strive to express a contemporary feel. The Board also agreed that bay windows rather than balconies would be more appropriate along the 12<sup>th</sup> Avenue façade. See also, A-5.

*At the Final Recommendation meeting, the Board agreed that the final design achieved the aesthetic described at the EDG meeting. Both the new building and the penthouse addition to the Trace Building have a contemporary industrial loft character – both in the materials proposed, as well as the proportions and significant glazing. Each of the principal halves of the new building are three window bays wide and flanked by a setback portion of the building. The west façade, facing 12<sup>th</sup> Avenue, does not have decks; rather the large windows are sliders with a metal railing on the exterior side of the building. The units on the east facing façade do include decks.*

### **C-2 Architectural Concept and Consistency.**

- **Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.**

The Board expressed some concern with the confluence of the existing building and the new structure. The Board noted that the joining of these two buildings requires further examination and study, particularly at the street level. The Board also supported setting back the penthouse addition from the west and south edges of the Trace Building rooftop, preserving the view of the roofline from the pedestrian and other vantage points.

*At the Final Recommendation meeting, the Board found that the configuration of the penthouse at the roof level is set back far enough (approximately seven feet) to preserve the integrity of views of the Trace Building and parapet. The Board discussed the proposed color palette and whether the selected colors should be warmer and/or brighter while still maintaining a timeless aesthetic.*

- **Buildings should exhibit form and features identifying the functions within the building.**

The Board noted that the proposed recessed courtyard area of the new building should provide overflow space from the commercial activities located at the ground level. The Board suggested

that transparent operable windows and/or roll-up garage doors at ground level would help achieve the desired interaction between the private and public realm.

*At the Final Recommendation meeting, the design included a flexible ground level commercial design with the intent that individual business tenants would be able to have input on the details and features of their storefront design. The horizontal transom windows continue along the length of the commercial spaces in the new building and continuing the lines established by the Trace Building. The Board was supportive of this concept as depicted in the renderings presented at the meeting.*

- **In general, the roofline or top of the structure should be clearly distinguished from its façade walls.**

The Board noted that this guideline applies to the new building and the existing building; however, the design of the penthouse addition to the existing building should be sensitive to historical elements of the Trace Building and endeavor to minimize the stair/elevator penthouse presence on the rooftop.

*At the Final Recommendation meeting, the Board was satisfied that the penthouse addition was respectful of the existing Trace Building, taking cues from the vertical lines and glazing of the existing building. The elevator and stair penthouses are situated behind the new units and therefore are screened by the penthouse addition itself.*

- C-3 Human Scale. The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.**

See C-2 and D-1.

- C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.**

The Board looks forward to reviewing a more details material and color palette reflective of and responsive to the surrounding architectural aesthetic. The Board noted that details should be included, such as tile at the ground level along the commercial storefronts.

*At the Final Recommendation meeting, the Board agreed that the proposed material palette was reflective of the industrial aesthetic. The new building is to have a natural concrete base, wood storefront window frames and metal awnings with wood panels under the soffit. Above the base, metallic grey panels will be used for siding, shiny black metal railings, dark grey metal balconies and trim. The setback portions of the new building will be a dark blue metal panel. The east façade is a hardipanel, alternating vertical bands, with blue and grey metal trim (same color palette as the west façade). The Trace Building will be retrofitted with bronze storefront windows, new residential windows and metal canopies. The penthouse addition is proposed to be of a black metal panel with balconies of a softer grey metallic grey color.*

- C-5 Structured Parking Entrances. The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.**



The Board strongly agreed that the vehicular access to the site should be visually minimized and cause as little disruption to pedestrian circulation around the site as possible. The Board noted that any design should satisfy the safety objective of the sight triangle requirement.

*At the Final Recommendation meeting, the Board agreed that the proposed departure request to eliminate the sight triangle was acceptable as a way of minimizing the presence of the driveway over the sidewalk. However, the Board expressed concern that the safety features used to make up for the loss of the sight triangle not be a noisy “squawk box” often found in downtown buildings. Given their concern for the adverse noises associated with audio devices and alarms, the Board recommended that the applicant explore alternative means for providing pedestrian safety. Please see departure discussion for more details.*

## **D. PEDESTRIAN ENVIRONMENT**

- D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building’s entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.**

See A-3.

- D-2 Blank Walls. Building should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.**

The Board feels that the design should open up the ground level south façade of the Trace Building to include windows, providing transparency between the sidewalk and the commercial interior.

*At the Final Recommendation meeting, the Board enthusiastically supported the proposed window openings to be punched in the south facing façade continuing the fenestration pattern from the 12<sup>th</sup> Avenue facade and providing transparency into the ground level commercial use of the Trace Building. The Board also supported preservation of the original painted Bekins Storage sign on the Trace Building or the uses of the same graphics to show the new name of the building’s new use.*

- D-6 Screening of Dumpsters, Utilities, and Service Areas. Building sites should locate service elements like trash dumpsters, loading docks, and mechanical equipment away from the street where possible. When elements such as dumpsters, utility meters, mechanical units, and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.**

*All of these elements have been located within the garage structure and will not be visible from view.*

**D-7 Personal Safety and Security. Project design should consider opportunities for enhancing personal safety and security in the environment under review.**

*The Board agrees that the final design addresses safety and security issues through the inclusion of exterior light fixtures, transparent glazing, low landscaping, overhead weather protection and pavement patterns delineating areas of traffic over the sidewalk.*

**E. LANDSCAPING**

**E-2 Landscaping to Enhance the Building and/or Site. Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture, and similar features should be appropriately incorporated into the design to enhance the project.**

The Board feels that extensive hard-scape treatments should be proposed at the sidewalk level (curb bulb, street trees, decorative grates, etc).

*At the Final Recommendation meeting, the Board was pleased with the sidewalk level improvements including tree grates, street trees, awnings and scored concrete. The curb bulb, originally proposed, has not received support from SDOT; therefore the design no longer includes this feature.*

**Design Review Departure Analysis**

Four departures from the development standards were requested and recommended for approval: lot coverage, open space, sight triangle and parking standard requirements.

**Table: Summary of Departures**

STANDARD	REQUIREMENT	REQUEST	JUSTIFICATION	ACTION
<b>RESIDENTIAL LOT COVERAGE SMC 23.47.008.D</b>	64 % residential lot coverage above 13'	81.5% lot coverage for both buildings	<ul style="list-style-type: none"> <li>Reinforces commercial street edge</li> <li>Configured to reflect existing context</li> <li>Preserving existing building, currently at 100% lot coverage</li> </ul>	4-0 in favor of departure request.
<b>OPEN SPACE SMC 23.47.024</b>	20% of GFA = 23,997 SF	11% = 13,586 SF	<ul style="list-style-type: none"> <li>Required space too large</li> <li>Quality of landscaping and programming of smaller space more important</li> <li>Decrease size of rooftop open space to manageable dimensions</li> <li>Calculation does not include small balconies that do not meet minimum dimensions.</li> </ul>	4-0 in favor of departure request.
<b>SIGHT TRIANGLE SMC 23.54.030.G</b>	Unobstructed 10' on either side of driveway	0' clear distance on either side of driveway	<ul style="list-style-type: none"> <li>Proposed both visual and audio warning of traffic entering/exiting the commercial garage.</li> </ul>	4-0 in favor of departure request. See conditions.
<b>PARKING</b>	Required dimensions of	Parking located in	<ul style="list-style-type: none"> <li>Rehabilitation and re-use</li> </ul>	4-0 in favor

<b>DIMENSIONS</b> <b>23.54.030.A</b>	aisles and parking spaces cannot have encroachments	Trace building includes some encroachments of the structural columns into required aisle widths and parking space dimensions.	of existing building necessitates structural columns in exact locations. ▪ Encroachments will not hinder traffic or parking circulation.	of departure request.
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- 1. LOT COVERAGE (SMC 23.47.008.D):** The applicant proposes a development standard departure to increase the lot coverage from 64% to 81.5% including both the new structure and the existing Trace Building.

The Board indicated unanimous support for the departure request given that the architectural industrial character is better achieved with a strong vertical plane along the street edge. Also, the 100% lot coverage of the existing building exceeds the standard regardless of the penthouse addition. The lot coverage of the penthouse addition alone is 72%. Furthermore, the transit overlay that applies to development across the street allows for a full 100% lot coverage.

- 2. OPEN SPACE (SMC 23.47.024):** The applicant proposes a development standard departure to decrease the open space (from the requirement of 20%) to 11% of the gross floor area in residential use for both the new structure, as well as the penthouse addition to the existing Trace Building structure. The open space will be primarily located at the rooftop level, although some open space will be distributed throughout the decks proposed along the east facade. The applicant proposes decks configured differently from the minimum dimensions required by the Code and rather than having an overly expansive roof garden, the applicant proposes to reduce the quantity.

The Board unanimously supported the open space departure request given the extensive cost and effort to preserve and rehabilitate the Trace Building. Also, the Board agreed that the configuration and size of the open spaces provided were well considered and designed to be sufficient, functional areas for the building residents. The variety of common open spaces provides views and solar exposure to the west, while also protected from the wind by the location of the stair and elevator penthouse structures used to define the rooftop open spaces. The Board was also very enthusiastic about the notched out courtyard that will serve as both the residential entry area, but also as spillover from the commercial spaces on either side of the courtyard.

- 3. SIGHT TRIANGLE (SMC 23.54.030.G):** The Code requires sight triangles for greater visibility where automobile traffic crosses a sidewalk or other pedestrian activity. The proposed driveway off of 12<sup>th</sup> Avenue would eliminate the sight triangle.

The Board unanimously recommended approval of this departure recognizing that a concerted effort was made to design a structure which minimizes the presence of the driveway and garage entrance on 12<sup>th</sup> Avenue. The Board agreed that the features of the proposed design, in conjunction with safety precautions for vehicles accessing the site (mirrors, bells, etc) will provide clear sight lines for exiting vehicles and pedestrians. The Board also suggested including some transparency in the

commercial space abutting the north corner of the driveway to allow sight lines to continue through to the street from the driveway.

**Board's Recommended Conditions:**

1. Safety features, including both visual and audio devices to warn drivers and pedestrians of traffic entering/exiting the garage shall be included on the plans/elevations.
2. Given their concern for the adverse noises associated with audio devices and alarms, the applicant should explore alternative means for providing pedestrian safety.
3. The applicant should explore making the angle of the southernmost commercial space of the new building more transparent to keep sight lines clear.

- 4. PARKING STANDARDS (SMC 23.54.030.A):** The Code allows encroachments into the required parking spaces provided that six-inch wide encroachments are within four feet of the transverse center line of the space. The proposed design includes a column configuration and width at parking areas under the existing structure that create encroachments up to ten inches. Several of these encroachments occur at locations within four feet of the transverse centerline of the space.

The Board supported this departure given that the rehabilitation and re-use of the existing building necessitates structural columns in exact locations. In order to ensure that encroachments will not hinder traffic or parking circulation, the following condition was recommended:

**Board's Recommended Condition:**

1. The applicant should provide a clarifying diagram to DPD illustrating the exact areas of encroachment, as well as circulation maneuvers demonstrating the functionality of the parking garage in the Trace Building.

**Summary of Board's Recommendations**

The recommendations summarized below are based on the plans submitted at the Final Design Review meeting. Design, siting or architectural details specifically identified or altered in these recommendations are expected to remain as presented in the presentation made at the May 18, 2005 public meeting and the subsequent updated plans submitted to DPD. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the Design Review Board members recommended **CONDITIONAL APPROVAL** of the proposed design including the requested departures subject to the following design elements in the final design including:

1. The following architectural features and details presented at the Final Design Review meeting and described under Guidelines A-2, A-4, A-10, C-1, C-2 and D-2:
  - a) a variety of banner blade signs;
  - b) overhead steel and wood canopies;

- c) exterior light fixtures;
  - d) concrete and metal panels;
  - e) sidewalk patterns;
  - f) crosswalk patterns and texture;
  - g) landscaping; and
  - h) large, transparent storefront windows below the horizontal transom windows.
2. As described under Guideline A-7, the residential courtyard design presented at the Final Design Review meeting.
3. As described under Guideline C-4, the building materials presented at the Final Design Review meeting.

The recommendations of the Board reflected concern on how the proposed project would be integrated into both the existing streetscape and the community. Since the project would have a strong presence along 12<sup>th</sup> Avenue and Madison Street, the Board was particularly interested in the establishment of a vital design that would enhance the existing streetscape, encourage pedestrian activity and promote growth of the Pike Pine neighborhood.

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the DPD Director's decision reads in part as follows:

*The Director's decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:*

- a. Reflects inconsistent application of the design review guidelines; or*
- b. Exceeds the authority of the Design Review Board; or*
- c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or*
- d. Conflicts with the requirements of state or federal law.*

Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.

## **ANALYSIS & DECISION – DESIGN REVIEW**

### **Director's Analysis**

Four members of the Capitol/First Hill Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. The Director must provide additional analysis of the Board's recommendations and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F3). The Director agrees with the well-considered street level details, building materials, and architectural design that support a high-quality, functional design responsive to the neighborhood's unique conditions. Moreover, the Director accepts the conditions recommended by the Board that further augment Guidelines A-2 and C-5 and support the case in favor of granting departures from the sight triangle and parking standards.

1. Safety features, including both visual and audio devices to warn drivers and pedestrians of traffic entering/exiting the garage shall be included on the plans/elevations.
2. Given their concern for the adverse noises associated with audio devices and alarms, the applicant should explore alternative means for providing pedestrian safety.
3. The applicant should explore making the angle of the southernmost commercial space of the new building more transparent to keep sight lines clear.
4. The applicant should provide a clarifying diagram to DPD illustrating the exact areas of encroachment, as well as circulation maneuvers demonstrating the functionality of the parking garage in the Trace Building.

Following the Recommendation meeting, DPD staff worked with the applicant to update the submitted plans to include all of the recommendations of the Design Review Board.

The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the four members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board.

#### Director's Decision

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the four members present at the decision meeting, provided additional review and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Design Review Board agreed that the proposed design, along with the conditions listed, meets each of the Design Guideline Priorities as previously identified. Therefore, the Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departures with the conditions enumerated above and summarized at the end of this Decision.

## **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated March 2, 2005. The information in the checklist, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations and/or circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

### **Short-term Impacts**

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction materials hauling, equipment and personnel; increased noise; and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts:

- The applicant estimates approximately 5,000 cubic yards of excavation for construction. Excess material to be disposed of must be deposited in an approved site.
- The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction.
- The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way.
- Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general.
- Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city.

Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. However, given the amount of building activity to be undertaken in association with the proposed project, additional analysis of air quality, noise, grading and traffic impacts is warranted and summarized below:

<b>Environmental Element</b>	<b>Discussion of Impact</b>
1. Drainage/Earth	• 5,000 cubic yards of excavated materials.

	<ul style="list-style-type: none"> <li>• Contaminated soils</li> </ul>
2. Traffic	<ul style="list-style-type: none"> <li>• Increased vehicular traffic adjacent to the site due to construction vehicles.</li> </ul>

### Drainage

Soil disturbing activities during site excavation for foundation purposes could result in erosion and transport of sediment. The Stormwater, Grading and Drainage Control Code provides for extensive review and conditioning of the project prior to issuance of building permits. Therefore, no further conditioning is warranted pursuant to SEPA policies.

### Earth - Grading

The construction plans will be reviewed by DPD. Any additional information showing conformance with applicable ordinances and codes will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current proposal involves excavation of approximately 10,000 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

### Construction: Traffic

The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to mitigate impacts associated with construction activities.

Construction activities are expected to affect the surrounding area. Impacts to traffic and roads are expected from truck trips during excavation and construction activities. The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allows the reviewing agency to mitigate impacts associated with transportation during construction. The construction activities will require the removal of material from site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other materials to the site will generate truck trips. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which is unmitigated by existing codes and regulations.



It is expected that most of the demolished materials will be removed from the site prior to construction. During demolition a single-loaded truck will hold approximately 10 cubic yards of material. This would require approximately 500 single-loaded truckloads to remove the estimated 5,000 cubic yards of material.

Existing City code (SMC 11.62) requires truck activities to use arterial streets to the greatest extent possible. This immediate area is subject to traffic congestion during the p.m. peak hour, and large construction trucks would further exacerbate the flow of traffic. Pursuant to SMC 25.05.675(B) (Construction Impacts Policy) and SMC 25.05.675(R) (Traffic and Transportation), additional mitigation is warranted.

1. For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays.

This condition will assure that construction truck trips do not interfere with daily p.m. peak traffic in the vicinity. As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of existing City Code (SMC 11.62).

For the removal and disposal of the spoil materials, the Code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of “freeboard” (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed en route to or from a site.

The Street Use Ordinance requires sweeping or watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. This ordinance provides adequate mitigation for transportation impacts; therefore, no additional conditioning is warranted pursuant to SEPA policies.

### Long-term Impacts

Long-term or use-related impacts associated with approval of this proposal include stormwater and erosion potential on site. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically, the Stormwater, Grading and Drainage Control Code which requires on-site detention of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; and the City Energy Code which will require insulation for outside walls and energy efficient windows.

Compliance with all other applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies.

Due to the type, size and location of the proposed project, additional analysis of parking and traffic impacts is warranted and summarized below:

Environmental Element	Point of Discussion
1. Parking	• Increase in parking from proposed development.
2. Traffic	• Increase in traffic from proposed development.
3. Historic Preservation	• Renovation of 1919 structure, demolition of 1912 structure

### Parking

The existing site contains 50 parking spaces, all of which are located on a principal use surface parking lot. The proposed development includes 196 parking spaces to be provided on-site. The proposed parking spaces are evenly distributed between two levels of below grade parking. The parking below the existing Trace building is accessed through the below grade parking garage of the proposed structure. The subject site is located in a designated pedestrian zone; therefore, no parking is required for the proposed commercial uses. Using the Third Edition of the Institute of Traffic Engineers *Parking Generation Manual*, parking generation rates associated with High Rise Apartment and Specialty Retail were used. The results of the parking generation are shown below:

#### **Parking Demand Calculations: Existing & Proposed Use**

Use	Use Per ITE Land Use	Use Per SMC	Independent Variable	IIE	Total Spaces per IIE	SMC Required	Proposed
<b>Proposed</b>	High Rise Apartment (ITE 222)	Multifamily Residential	144 units	1.37 spaces/unit = 197 spaces	229	183	196
<b>Proposed</b>	Specialty Retail (ITE 863)	Commercial Retail	16,836 SF	1.91 spaces/ 1,000 SF = 32 spaces			

According to the ITE report, the 16,836 square feet of commercial uses associated with the proposed project would require approximately 32 parking spaces during the peak hour likely to occur at midday. The 144 proposed residential units would require approximately 197 spaces during the peak hours likely between late evening and early morning.

The difference of 33 parking spaces between the estimated parking demand and the parking being provided is unlikely to create adverse parking strain on the surrounding streets for several reasons. First, the parking demands for the two proposed uses are likely to occur at different peak hours and therefore are not additive and are not expected to conflict with one another. Nearly all of the residential parking is likely to be accommodated on site during the peak hours. Additionally, the ITE data is based on a small number of case studies often located in suburban areas, which tend to have higher parking demand rates due to the lack of public transportation. Given the urban location of the subject site and availability of transit service, the actual parking demand is likely to be less.

Removal of the existing parking lot is unlikely to shift the burden of the loss of these 50 spaces onto the street because the private parking lot is operated as designated parking for Seattle Police Department employees. This parking lot operator has committed to replacing these spaces at a different location within the vicinity. Moreover, the on street parking in the area accommodates only short term use, while the parking lot users demand long term parking during the work day, thus selecting on street parking appears to be less desirable.

Therefore, the estimated parking demand generated by the proposed project is not considered adverse and the parking impacts require no further mitigation.

### Traffic

A traffic study was submitted to DPD by Gibson Traffic Consultants dated March 30, 2005 evaluating the impacts of the proposed development to the surrounding street system.

The vehicular traffic generated by the project will be both residential and business-related and will likely peak during the weekday PM hours. As depicted in the traffic study, trip generation information was calculated using average PM peak hour trip generation rates obtained from the Seventh Edition of the *ITE Trip Generation Manual*. For the existing and proposed developments, trip generation rates associated with General Office, Warehouse, Mid Rise Apartment and Specialty Retail were used. The results of the trip generation are shown below:

#### **Trip Generation Calculations: Existing & Proposed Use**

Use	Use Per ITE Land Use	Use Per SMC	Independent Variable	Average Daily Trips	PM Peak Trips Generated	Total PM Peak Trips Generated
Previous	Apartment (ITE 220)	Multifamily Residential	(Unit Count) 2	12.10	1.12	33
Previous	Warehouse (ITE 150)	Warehouse	37,000 SF	165.16	19.65	
Previous	General Office (ITE 710 )	Admin Office	9,000	89.19	12.07	
Proposed	Mid Rise Apartment (ITE 223)	Multifamily Residential	(Unit Count) 144	774.14	71.42	101
Proposed	Specialty Retail (ITE 814)	Commercial Retail	18,000 SF	478.65	29.27	

Using the ITE data, there will be approximately 68 additional trips in the PM peak hour associated with the proposed combination of uses. These additional trips do not reflect any reduction in trips due to use of the retail by project residents. Again, these ITE figures tend to be higher than what is expected in an urban environment where transit readily services this neighborhood and provides direct connections to downtown Seattle. Furthermore, the traffic generated by the existing principal use parking lot was not included in the traffic study; therefore the net difference in traffic between the existing and proposed uses is actually less than the figure

described above. Additionally, the 16,836 square feet of retail proposed is slightly less than the 18,000 square feet described in the traffic study. This relatively low number of additional trips will not adversely impact the existing levels of service of surrounding intersections.

The estimated increase in trips during the PM peak hours is not considered a significant impact and no mitigation measures or conditioning pursuant to the SMC Chapter 25.05, the SEPA Ordinance is warranted.

#### Historic Preservation

A referral was made to the Department of Neighborhoods to determine the historic status of the two buildings currently located on site. Based on the review of the information submitted by the applicant, it was determined that while the 1400 12<sup>th</sup> Ave. building (the corner building, referred to as the Trace Building) might be eligible for landmark designation, it is not necessary for the applicant to prepare a landmark nomination since the alterations proposed would not cause irreversible damage to this building. The two story brick building to the north, 1416 12<sup>th</sup> Ave., would not likely be eligible for landmark designation. Compliance with SEPA historic preservation policies for this proposal should be considered complete. Therefore, no further conditioning is warranted.

#### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

#### **CONDITIONS – SEPA**

The owner applicant/responsible party shall:

##### During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the

building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays.

### **CONDITIONS – DESIGN REVIEW**

#### **Prior to MUP Issuance (non-appealable)**

2. Update the submitted MUP plans to reflect all of the recommendations made by the Design Review Board and reiterated by the Director's Analysis.

#### **Prior to Building Permit Issuance**

3. Safety features, including both visual and audio devices to warn drivers and pedestrians of traffic entering/exiting the garage shall be included on the plans/elevations. All audio devices shall conform to the Seattle Noise Ordinance.
4. Given the concern for the adverse noises associated with audio devices and alarms, the applicant should explore alternative means for providing pedestrian safety.
5. The applicant should explore making the angle of the southernmost commercial space of the new building more transparent to keep sight lines clear.
6. The applicant should provide a clarifying diagram to DPD illustrating the exact areas of encroachment, as well as circulation maneuvers demonstrating the functionality of the parking garage in the Trace Building.
7. The plans shall reflect those architectural features, details and materials described under Guidelines A-2, A-4, A-7, A-10, C-1, C-2, C-4 and D-2.

#### **Prior to Pre-Construction Conference**

8. Three days prior to the pre-construction conference, contact the Land Use Planner to confirm attendance.

#### **Prior to Issuance of the Certificate of Occupancy**

Compliance with conditions #3-7 must be verified and approved by the Land Use Planner prior to the final building inspection. The applicant/responsible party is responsible for arranging an appointment with the Land Use Planner at least three (3) working days prior to the required inspection.

**NON-APPEALABLE CONDITIONS – DESIGN REVIEW**

9. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Lisa Rutzick, 386-9049), or by the Design Review Manager (Vince Lyons, 233-3823). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
10. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD Land Use Planner assigned to this project or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
11. Embed all of the conditions listed at the end of this decision in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.
12. Embed the 11 x 17 colored elevation drawings from the DR Recommendation meeting and as updated, into the MUP plans prior to issuance, and also embed these colored elevation drawings into the Building Permit Plan set in order to facilitate subsequent review of compliance with Design Review.
13. Include the Departure Matrix in the Zoning Summary section of the MUP Plans and on all subsequent Building Permit Plans. Add call-out notes on appropriate plan and elevation drawings in the updated MUP plans and on all subsequent Building Permit plans.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Lisa Rutzick, (206 386-9049) at the specified development stage, as required by the Director's decision. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved. **Prior to any alteration of the approved plan set on file at DPD, the specific revisions shall be subject to review and approval by the Land Use Planner.**

Signature: (signature on file) Date: June 16, 2005  
Lisa Rutzick, Land Use Planner